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A | wherein said inner surface has disposed thereon an adhesive means for connecting said nipple cover to a human body.

REMARKS

Claims 1-10 are pending in the present application. The Examiner has rejected all pending claims. Applicant has amended independent claim 1. Reexamination and reconsideration of all pending claims is respectfully requested.

The Examiner has rejected claims 1, 5 and 8-9 under 35 U.S.C. § 102. The Examiner states that the present invention is clearly anticipated by Nakai. Applicant submits that the present invention contains elements which are not present in the cited reference. As shown in figure 2, the present invention has the shape of hollow curved surface. The specification also states that present invention is hollow inside. (See page 6, lines 20-23.) Applicant has amended claim 1 to more specifically point out and claim this feature of the present invention. Claims 5 and 8 depend from claim 1, and contain all of the limitations of the base claim. Claim 9 states that the present invention has the shape of a hollow hemisphere.

The shape of the present invention is not taught or suggested by Nakai. The Examiner explicitly concedes this point on page 3 of the office action. The examiner states that "Nakai does not disclose the nipple cover being shaped as a hollow hemisphere" It is well settled that an invention is

anticipated under Section 102 only if all of the elements of the present invention are present in a single cited reference. Because the device in Nakai lacks an element of the present, it cannot anticipate the claims of the present invention, as amended. Applicant therefore requests that the Examiner's rejection of claims 1, 5 and 8-9 be withdrawn.

The Examiner has rejected Claim 2 under 35 U.S.C. 103 as being an obvious combination of Nakai and Wroten. Claim 2 is a dependent claim which depends from Claim 1. Claim 1 has been amended to indicate that the present invention has the shape of a hollow curved surface. As noted above, Nakai does not teach the shape of the present invention. Wroten similarly does not teach that a nipple cover can have the shape of the present invention.

The device in Wroten is a baby's pacifier. Wroten is cited by the Examiner only for the proposition that the device could be fabricated from flexible plastic material. There is no teaching or suggestion that Wroten could be combined with Nakai as is suggested by the Examiner. The cited combination therefore lacks an element of the present invention. For this reason, applicant requests that the Examiner's rejection of claim 2 under 35 U.S.C. § 103 be withdrawn.

The Examiner has rejected claims 3-4 and 6 under 35 U.S.C. § 103 as being unpatentable over Nakai in view of Larsson. The examiner contends that the nipple cover of Nakai could be fabricated in the shape of a hollow hemisphere as is taught by


Larsson. Applicant respectfully disagrees with the Examiner and suggests that the cited references cannot be combined as suggested by the Examiner.

Applicant has amended Claim 1 to more clearly indicate that the present invention is manufactured from a flexible material. Claims 3-4 and 6 all depend from claim 1. There is no teaching or suggestion in Larsson that the nipple cover could be manufactured from a flexible material. In fact, Larsson actually teaches away from the use of flexible material. Larsson explicitly states at column 2, line 44, that the breast shield is manufactured from a "rigid" material. (Larsson goes on to state that, at most, the breast shield could be manufactured from a "semi-rigid" material.) In fact, the entire purpose of the device in Larsson requires that the breast shield be manufactured from a material which is rigid and not flexible. The breast shield is intended to provide an open space so that clothing or other items do not touch the breast itself. The goal of the breast shield is to prevent chafing or irritation of the breast and nipple. These goals could not be achieved if the breast shield were manufactured from a flexible material. The use of a flexible material would allow the breast shield, clothing or other items to touch the surface of the breast, thereby defeating the purpose of the device. For the foregoing reasons, applicant respectfully requests that the Examiner's rejection of claims 3-4 and 6 under 35 U.S.C. § 103 be withdrawn.

The Examiner has rejected Claims 7 and 10 under 35 U.S.C. § 103(a) as being an obvious combination of Nakai and Lee. Claim 7 is a dependent claim which depends from Claim 1. Claim 1 has been amended to indicate that the present invention has the shape of a hollow curved surface. As noted above, Nakai does not teach the shape of the present invention. Lee similarly does not teach that a nipple cover can have the shape of the present invention. For this reason, Applicant submits that the combination cited by the Examiner would not yield the present invention. For this reason, Applicant respectfully requests that the Examiner's rejection of claims 7 and 10 under 35 U.S.C. § 103 be withdrawn.

Based on the foregoing, applicant respectfully requests that the Examiner approve all pending claims, and that a Notice of Allowance for the present application be issued without any further delay.

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CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, DC 20231, on December 17, 1998.



S. Davis